IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2038 OF 2005
IN
SECOND APPEAL NO.161 OF 2005

Ramesh Dattatraya Mhatre .. ..Applicant
Versus
Sanjay Dattaram Mhatre .. ..Respondent

Mr.M.A.Patil for applicant
Mr.Ambar Joshi i/b S.M.Oak for respondent

CORAM : P.V.KAKADE, J.

DATE : 8TH DECEMBER,2005

P.C.:

1. Heard both sides.

2. This is an application for modification of the Order dated 19th August, 2005 which was issued at the interim stage pending the Second Appeal in Civil Application No.346 of 2005 issuing directions to equally share well water which is located in the suit property.

3. Firstly, the relief claimed is in the nature of review and therefore, the application for modification cannot be maintainable. More over, even assuming for a

moment that this application is for review, I am satisfied that the order passed on 19th August 2005 is passed after due consideration of all the aspects involved in the dispute, and therefore, I do not see any reason either for review or modification of the said order. Under the circumstances the application is not maintainable and stands dismissed with no order as to costs.